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Docket No. GJE-13XC1D1C1
Serial No. 09/767,355Remarks

By way of the amendment of this date, claims 1-22 and 41-48 have been canceled. Claims 23, 32, 34, and 39 have been amended. Therefore, claims 23-40 are now before the Examiner for consideration. The subject invention provides unique and advantageous methods for increasing the feed efficiency of animals comprising the administration of the animal feeds of the instant invention. Certain of the claims have been amended for the purpose of expediting the patent application process in a manner consistent with the Patent and Trademark Office Patent Business Goals (P.B.G.), 65 Fed. Reg. 54603 (September 8, 2000), in order to lend greater clarity to the claimed subject matter, advance prosecution, and facilitate the business interests of Applicant. Support for these new claims and the amendments to the pending claims can be found throughout the subject specification (including, for example pages 5-6). Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Claims 23, 34, and 41 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter regarded as the invention. The Office Action argues that the claims are indefinite in their recitation of the term "byproducts". Applicants have amended the claims to provide greater clarity and expedite prosecution. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 41 and 43-44 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Lewandowski *et al.* Applicant respectfully submits that the rejection is now moot and requests reconsideration and withdrawal of the rejection.

Claims 1-3, 8-18, 22, 41-42, 45, and 48 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Cooke *et al.* Applicant respectfully submits that the rejection is now moot and requests reconsideration and withdrawal of the rejection.

Claims 45-47 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Alifimtsev *et al.* Applicant respectfully submits that the rejection is now moot and requests reconsideration and withdrawal of the rejection.

Claims 1-3, 6-18, 22, and 23-48 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,326,037. Applicant submits, herewith, a terminal disclaimer and respectfully requests

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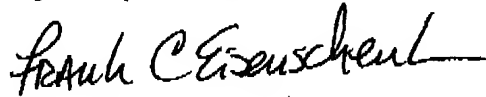
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reconsideration and withdrawal of the rejection.

In view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicant also invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachment: Terminal Disclaimer